

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT
2005 MAY -2 PM 3:54
TX EASTERN-BEAUMONT
BY Adele McMillen

KEVIN ARWIN HOUSTON, #639008 §
VS. § CIVIL ACTION NO. 9:04cv185
RICHARD ALFORD, ET AL. §

ORDER OF PARTIAL DISMISSAL

Plaintiff Kevin Arwin Houston, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The cause of action was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation and a Second Report and Recommendation for the disposition of the lawsuit. The plaintiff filed objections to the initial Report and Recommendation.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the plaintiff are without merit. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

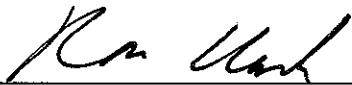
ORDERED that the plaintiff's motion to voluntarily dismiss defendants Sandra Carter, Brenda Spinalari and James Worthy (docket entry #16) is **GRANTED**. It is further

ORDERED that the claims against defendants Sandra Carter, Brenda Spinalari and James Worthy are **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1). It is further

ORDERED that the plaintiff may proceed with his denial of access to court claim against Property Officer Patricia Young. It is finally

ORDERED that the plaintiff's remaining claims are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

SIGNED this 30th day of April, 2005.



RON CLARK
UNITED STATES DISTRICT JUDGE